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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,481	08/18/2003	Nobuyuki Enomoto	MA-583-US	3816
21254	7590	07/12/2007	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC			SHAYANFAR, ALI	
8321 OLD COURTHOUSE ROAD			ART UNIT	PAPER NUMBER
SUITE 200			2142	
VIENNA, VA 22182-3817			MAIL DATE	DELIVERY MODE
			07/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/642,481	ENOMOTO ET AL.
	Examiner Ali Shayanfar	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 June 2007.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-45 is/are pending in the application.  
 4a) Of the above claim(s) 1,2,16,17,31 and 32 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3-15,18-30 and 33-45 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 18 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 10/06/2003.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group II, Claims 3-14, 18-29, 33-44 in the reply filed on 6/06/2007 is acknowledged. Claims 3-15, 18-30, 33-45 will be examined.
  
2. This application contains Group I claims 1-2, 16-17, 31-32 drawn to an invention nonelected without traverse in Paper No. 10/642,481. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Information Disclosure Statement***

1. The information disclosure statement filed 10/06/2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no English translation provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3-14, 18-29 and 33-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitada et al ( US 2003/0037163 A1)

As to claim 3, 18 and 33 Kitada shows a network system for a network having plural nodes connected, wherein a node belonging to said network is provided (Fig 1A, Fig 3) with:

a learning frame management unit which refers to a MAC SA table cache to determine whether a learning frame transmission request is made or not, (par[0195-0196, 0209-0210] and a MAC SA table cache which stores a source MAC address (MAC SA) which has made a learning frame transmission request.(par[0174,0375], Fig 7-8)

As to claim 4,19 and 34 Kitada shows a network system, wherein said nodes are provided with: an aging request acceptance unit which ages of said MAC SA table

cache (par[0221,0223]) and a transmission request unit which makes a learning frame transmission request to a CPU. (par[0239])

As to claim 5,20 and 35 Kitada shows a network system, wherein said nodes have a learning management program which conducts a learning frame process.(par[0405-0408])

As to claim 6, 21, 36 Kitada shows a network system for a network having plural nodes connected, wherein a node belonging to said network is provided with a learning management program which conducts a learning frame process. (par[0390,0393-0394,0405-0408])

As to claim 7, 22 and 37 Kitada shows a network system, wherein said node has an equipment control program which conducts a variety of configuration.(par[0381-0382])

As to claim 8, 23 and 38 Kitada shows a network system, wherein said node is provided with a frame type judgment unit comprising session management which judges an input frame. (par[0384])

As to claim 9, 24 and 39 Kitada shows a network system, wherein a node belonging to said network is provided with: an aging control unit which ages an entry to

be aged, and an aging management table which stores an entry to be aged.(par[0223,0242])

As to claim 10, 25 and 40 Kitada shows a network system, wherein said node is provided with a MAC forwarding table memory which stores an output port for a destination MAC address (MAC DA) and tag operations. (Fig. 9, par[0223-224])

As to claim 11, 26 and 41 Kitada shows a network system, wherein said node is provided with a broadcast table memory which stores an output destination port at the time of broadcasting to a tag.(par[0225])

As to claim 12, 27 and 42 Kitada shows a network system , wherein said node is provided with a tag forwarding table memory which stores an output port for a forwarding tag.(par[0229])

As to claim 13, 28 and 43 Kitada shows a network system, wherein said node is provided with a table, an aging circuit and a forwarding table having a table read/write circuit.(Fig 9, par[0223, 0242,0276])

As to claim 14, 29 and 44 Kitada shows a network system, wherein said node is provided with a TAG address management table which stores an address of a forwarding tag on a MAC forwarding table memory.(par[0231-235])

Claims 15, 30 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Gonda (US 2003/0067928 A1)

As to claim 15 Gnda shows a network system for a network having plural nodes connected(Fig. 1), wherein a node belonging to said network also applies a learning function of Ethernet to a flow which flows asymmetrically. (par[0002, 0041])

As to claims 30 and 45 Gnda shows a learning bridge node for a network having plural nodes connected (par[0032]), wherein a learning function of Ethernet is applied to a flow which asymmetrically flows. (par[0002, 0041])

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Shayanfar whose telephone number is 571-272-9739. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ali Shayanfar



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER